

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

KERRI NEILL,
Plaintiff,

v.

AMERICAN HONDA MOTOR CO., INC. and
HOME DEPOT U.S.A., INC.
Defendants.

**REMOVED FROM:
RHODE ISLAND SUPERIOR COURT
KENT COUNTY**

NOTICE OF REMOVAL

Defendant Home Depot U.S.A., Inc. (“Home Depot”), by and through its undersigned counsel, hereby files its Notice of Removal of this action (the “Action”) from Superior Court for the State of Rhode Island, Kent County to the United States District Court for the District of Rhode Island.

Home Depot appears for the purpose of removal only and for no other purpose, reserves all defenses and rights available to it, and states as follows:

1. On or about June 2, 2021, Plaintiff Kerri Neill commenced the Action in the Superior Court for the State of Rhode Island, Kent County as civil action number KC-2021-0486. In the Action, Plaintiff alleges to have been injured by a lawnmower purchased from Home Depot in North Kingstown, Rhode Island, when, while removing the lawnmower from her garage after purchasing it and bringing it home, the handle retracted and caused her personal injuries.

2. In particular, Plaintiff claims to have suffered a severed left index finger, which she characterizes as “severe and permanent injuries and disfigurement.”

3. On or about June 9, 2021, Plaintiff served a copy of the Summons and Complaint upon the Registered Agent for Home Depot.

4. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Home Depot in the Action is attached as **Exhibit 1**.

5. Plaintiff is a Rhode Island resident living in Warwick, Rhode Island.

6. Home Depot is a foreign corporation with a principal place of business in Atlanta, Georgia.

7. Plaintiff alleges severe and permanent injuries and disfigurement that, if proven, could result in damages in excess of \$75,000.00.

8. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over the Action, which is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441 *et seq.*, because the amount in controversy exceeds \$75,000, exclusive of interests and costs, and there is complete diversity between the Plaintiff, who is a resident of Rhode Island, and Home Depot, which has its principal place of business in Georgia.

9. Home Depot has not yet filed a pleading in response to the Complaint and no orders have been issued in this Action.

10. Pursuant to 28 U.S.C. § 1446(d), Home Depot promptly will file a copy of this Notice of Removal with the Clerk for the Superior Court for Kent County, and will serve a copy of the same on counsel for Plaintiff and all other counselors of record.

WHEREFORE, Home Depot respectfully removes the Action now pending in the Rhode Island Superior Court, Kent County, as civil action number KC-2021-0486 to the United States District Court for the District of Rhode Island.

Defendant,
HOME DEPOT U.S.A., INC.,
By its Attorneys,

/s/ Stephen D. Nelson
Stephen D. Nelson (#8776)
Adler Pollock & Sheehan P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903
Tel: 401-274-7200
snelson@apslaw.com

Dated: June 29, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document served on all counsel of record by U.S. Mail on this the 29th day of June, 2021:

Jeffrey D. Sowa, Esq.
Heather M. Spellman, Esq.
LaPlante Sowa Goldman
78 Kenwood Street
Cranston, RI 02907

/s/ Stephen D. Nelson
Stephen D. Nelson